

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

LINDA ANNETTE VAZQUEZ MOJICA,
RAFAEL RODRIGUEZ RODRIGUEZ

Debtors.

CASE NO. 16-05419(BKT)

CHAPTER 13

MOTION SUBMITTING AMENDED PLAN DATED AUGUST 31, 2016
AND NOTICE OF PERIOD TO OBJECT TO ITS TERMS

TO THE HONORABLE COURT:

NOW COME, Debtors, Linda Annette Vazquez Mojica and Rafael Rodriguez Rodriguez, represented by the undersigned attorney, and very respectfully state and pray:

1. On August 18, 2016, Debtors filed Amended Plan dated August 17, 2016, in order to provide lift of stay, strictly "in rem", in favor of Popular, as to the motor vehicle owned by Debtors' son, and provide an increased plan base through increased stepped-up payments from month twenty-five onwards.

2. Debtors respectfully submit, as an attachment, Amended Plan dated August 31, 2016, in order to increase the amount to be paid in full to Oriental Bank on account of the vehicle purchase loan to Oriental's claimed amount, thus mootting, the objection to confirmation at Docket No. 19.

WHEREFORE, Debtors very respectfully request this Honorable Court to take notice of the aforementioned Amended Plan dated August

31, 2016, and to confirm the same, absent any properly grounded, timely objection.

RESPECTFULLY SUBMITTED.

NOTICE: Within **fourteen (14) days** after service as evidenced by the certification, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to **Angel Vázquez-Bauzá, Esq.**, Counsel for **Oriental Bank**, the U.S. Trustee, Chapter 13 Trustee **Alejandro Oliveras Rivera** and all CM/ECF participants, and also mailed the same to any creditors in the attached list that are not CM/ECF participants.

In San Juan, Puerto Rico, this 31st day of August, 2016.

/s/ Carlos C. Alsina Batista

Carlos C. Alsina Batista

USDC-PR NO. 222801

CARLOS ALSINA BATISTA LAW OFFICES, PSC

638 Aldebaran St.

Banco de Desarrollo Económico Bldng.

Second Floor, Suite HQ-7

San Juan, Puerto Rico 00920

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Document Page 3 of 5
United States Bankruptcy Court
District of Puerto Rico, San Juan Division

IN RE:Case No. **16-05419****VAZQUEZ MOJICA, LINDA ANNETTE & RODRIGUEZ RODRIGUEZ, RAFAEL**Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input checked="" type="checkbox"/> AMENDED PLAN DATED: 8/31/2016 <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																																				
I. PAYMENT PLAN SCHEDULE <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">\$</td> <td style="width: 15%; text-align: right;">1,150.00</td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 10%; text-align: right;">24</td> <td style="width: 10%; text-align: center;">=</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 20%; text-align: right;">27,600.00</td> </tr> <tr> <td>\$</td> <td style="text-align: right;">1,225.00</td> <td style="text-align: center;">x</td> <td style="text-align: right;">24</td> <td style="text-align: center;">=</td> <td>\$</td> <td style="text-align: right;">29,400.00</td> </tr> <tr> <td>\$</td> <td style="text-align: right;">1,280.00</td> <td style="text-align: center;">x</td> <td style="text-align: right;">12</td> <td style="text-align: center;">=</td> <td>\$</td> <td style="text-align: right;">15,360.00</td> </tr> <tr> <td>\$</td> <td></td> <td style="text-align: center;">x</td> <td></td> <td style="text-align: center;">=</td> <td>\$</td> <td></td> </tr> <tr> <td>\$</td> <td></td> <td style="text-align: center;">x</td> <td></td> <td style="text-align: center;">=</td> <td>\$</td> <td></td> </tr> </table> <p style="text-align: right; margin-top: 10px;">TOTAL: \$ 72,360.00</p> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____ _____</p> <p><input type="checkbox"/> Other: _____ _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p style="text-align: right; margin-top: 10px;">PROPOSED BASE: \$ 72,360.00</p>	\$	1,150.00	x	24	=	\$	27,600.00	\$	1,225.00	x	24	=	\$	29,400.00	\$	1,280.00	x	12	=	\$	15,360.00	\$		x		=	\$		\$		x		=	\$		II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. BANCO POPULAR D Cr. _____ Cr. _____ # 8120702325523 # _____ # _____ \$ 5,619.00 \$ _____ \$ _____ 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. M & T BANK Cr. ORIENTAL BANK Cr. _____ # 10000141291870001 # 961946312400001 # _____ \$ 30,790.00 \$ 21,896.77 \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: BANCO POPULAR D C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) See Continuation Sheet
\$	1,150.00	x	24	=	\$	27,600.00																														
\$	1,225.00	x	24	=	\$	29,400.00																														
\$	1,280.00	x	12	=	\$	15,360.00																														
\$		x		=	\$																															
\$		x		=	\$																															
III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ 2,500.00	Signed: <u>/s/ LINDA ANNETTE VAZQUEZ MOJICA</u> Debtor <u>/s/ RAFAEL RODRIGUEZ RODRIGUEZ</u> Joint Debtor																																			

Attorney for Debtor **Carlos Alsina Batista Law Offices, P.S.C.**Phone: **(787) 781-1882**

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 1 of 1

ATTORNEY'S FEES TO BE PAID FIRST;

PRE-CONFIRMATION, ADEQUATE PROTECTION PAYMENTS OF \$175.00 WILL BE PAID TO M&T BANK FOR THEIR CLAIM OVER THE 2013 DODGE RAM MOTOR VEHICLE; PRE-CONFIRMATION, ADEQUATE PROTECTION PAYMENTS OF \$200.00 WILL BE PAID TO ORIENTAL BANK FOR THEIR CLAIM OVER THE 2012 TOYOTA 4RUNNER MOTOR VEHICLE. ADEQUATE PROTECTION INSURANCE IN FAVOR OF M&T BANK AND ORIENTAL BANK TO BE PROVIDED BY EASTERN INSURANCE COMPANY AND TO BE PAID THROUGH THE PLAN; INSURANCE QUOTE TO BE SUBMITTED TO THE TRUSTEE FOR SUFFICIENCY DETERMINATION;

VEHICLE LOANS PAID TO M&T BANK AND ORIENTAL BANK WILL BE PAID AHEAD OF MORTGAGE-SECURED ARREARS TO BANCO POPULAR DE PR;

DEBTOR VAZQUEZ IS NOT THE OWNER OF THE COLLATERAL MENTIONED IN PROOF OF CLAIM NO. 2; HOWEVER, POPULAR FILED THE CLAIM AS SECURED INASMUCH AS DEBTOR IS A JOINT AND LIABLE COSIGNER; DEBTOR AGREES TO LIFT OF STAY IN REM, SO THAT BANCO POPULAR MAY TAKE POSSESSION OF THE COLLATERAL VEHICLE PERTAINING CLAIM NO. 2 IF VEHICLE OWNER, JOSE RODRIGUEZ VAZQUEZ, DEFAULTS AS TO SAID VEHICLE PURCHASE LOAN;

STEPPED-UP PAYMENTS AFTER MONTHS 25 AND 49 WILL BE POSSIBLE DUE TO EXPECTED WORK PAY INCREASES;

ALL FUTURE TAX REFUNDS, WILL FUND THE PLAN, ABSENT A COURT ORDER ALLOWING DEBTOR TO USE ANY TAX REFUNDS PORTION FOR REASONABLY NECESSARY EXPENSES; ANY TAX REFUND PORTION PAID INTO THE PLAN WILL AUTOMATICALLY AMEND THE PLAN BASE, WITHOUT NEED FOR FURTHER ORDER.

Label Matrix for local noticing
0104-3
Case 16-05419-BKT13
District of Puerto Rico
Old San Juan
Thu Aug 18 12:17:14 AST 2016

BANCO POPULAR DE PUERTO RICO
PO BOX 362708
SAN JUAN, PR 00936-2708

FIRST BANK
PO BOX 9146
SAN JUAN, PR 00908-0146

(p)CREDITORS BANKRUPTCY SERVICE
PO BOX 800849
DALLAS TX 75380-0849

Mtbankes
PO Box 7678
Buffalo, NY 14240

Sears/Cbna
PO Box 6282
Sioux Falls, SD 57117-6282

WELLS FARGO
C/O BANCO POPULAR DE PUERTO RICO
MORTGAGE COUNSELING AND BANKRUPTCY (762)
PO BOX 362708
SAN JUAN PR 00936-2708

LINDA ANNETTE VAZQUEZ MOJICA
PO BOX 996
TOA ALTA, PR 00954-0996

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MORTGAGE COUNSELING AND BANKRUPTCY (762)
PO BOX 362708
SAN JUAN, PR 00936-2708

CBNA SEARS
CENTRALIZED BANKRUPTCY
PO BOX 790040
SAINT LOUIS, MO 63179-0040

(p)M&T BANK
LEGAL DOCUMENT PROCESSING
1100 WHERLE DRIVE
WILLIAMSVILLE NY 14221-7748

MONEY EXPRESS
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISION (CODE 248)
PO BOX 9146
SAN JUAN PR 00908-0146

ORIENTAL BANK
PO BOX 195115
SAN JUAN, PR 00919-5115

Synchrony Bank
c/o of Recovery Management Systems Corp
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

MONSITA LECAROEZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

EASTERN AMERICA INSURANCE
PO BOX 9023862
SAN JUAN, PR 00902-3862

M&T BANK
PO BOX 1508
BUFFALO, NY 14240

Militarystar
3911 S Walton Walker Blvd
Dallas, TX 75236-1509

POPULAR AUTO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

TDRC ADVANCE AUTO PARTS
1000 MACARTHUR BLVD
MAHWAH, NJ 07430-2035

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SECOND FLOOR SUITE HQ 7
SAN JUAN, PR 00920

RAFAEL RODRIGUEZ RODRIGUEZ
PO BOX 996
TOA ALTA, PR 00954-0996

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

M & T BANK
ATTN BANKRUPTCY
1100 WEHRLE DR. FLOOR 2
WILLIAMSVILLE, NY 14221-7748

MILITARY STAR/AAFES
PO BOX 650060
DALLAS, TX 75265-0060

End of Label Matrix
Mailable recipients 23
Bypassed recipients 0
Total 23